



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

July 13, 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jerome Rothbaum, M.D.


Re: License No. 083225

Dear Dr. Rothbaum:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Modification Order No. 16-246. This order and any penalty provided therein goes into effect July 20, 2016.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,



Henry Spector, M.D.
Acting Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Tom Slutes, Esq.
slutes, Sakrison & Rogers, P.C.
4801 E. Broadway, Suite 301
Tucson, Arizona 85711

NEW YORK STATE
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

DEPARTMENT OF HEALTH

IN THE MATTER
OF
JEROME ROTHBAUM, M.D.

BPMC No. 16-246
MODIFICATION
ORDER

Upon the proposed Application for a Modification Order of JEROME ROTHBAUM, M.D. (Respondent), which is made a part of this Modification Order, it is agreed to and

ORDERED, that the attached Application, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Modification Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Modification Order either by first class to Respondent at the address in the attached Application or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 7/8/206


ARTHUR S. HENGERER, M.D.
Chair
State Board for Professional Medical Conduct

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NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

**IN THE MATTER
OF
JEROME ROTHBAUM, M.D.**

**MODIFICATION
AGREEMENT
AND
ORDER**

JEROME ROTHBAUM, M.D., represents that all of the following statements are true:

That on or about September 21, 1959, I was licensed to practice as a physician in the State of New York, and issued License No. 083225 by the New York State Education Department.

My current address is [REDACTED]

and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I am currently subject to BPMC Order # 02-358 (Attachment I) (henceforth "Original Order"), a Surrender Order, which went into effect on November 27, 2002, and which was issued upon an application for a Surrender Order signed by me on November 20, 2002, (henceforth Original Application"), adopted by the Original Order. I hereby apply to the State Board for Professional Medical Conduct for an Order (henceforth "Modification Order"), modifying the Original Order, as follows:

- The surrender of Respondent's license is stricken as of the effective date of this Modification Order.

- Respondent, by making this application, asserts that Respondent does not currently practice medicine in New York State or in any setting or jurisdiction where that practice is predicated upon Respondent's New York State medical license ("New York Practice"). As a Condition of this Order, should Respondent decide to resume practicing medicine in New York, Respondent shall, before beginning such practice, provide 90 days advance written notice to the Director of OPMC. Respondent may not begin practicing medicine in New York until after Respondent receives the Director's written acknowledgment that this Condition has been satisfied, and shall be subject to any further Conditions the Director may impose upon Respondent's New York Practice based on matters underlying this Consent Agreement and/or any circumstances or information known to the Director at the time of Respondent's proposed return to New York Practice. Respondent, by making this Application, stipulates that the Director shall be authorized in his or her sole discretion to impose whatever further Conditions the Director deems appropriate upon Respondent's return to practice in New York, and Respondent further stipulates that Respondent's failure to comply with these Conditions shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

and

All remaining Terms and Conditions will continue as written in the Original Order.

I make this Application of my own free will and accord and not under duress, compulsion or restraint, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I

knowingly waive my right to contest the Original Order or the Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE

6-24-06



JEROME ROTHBAUM, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Modification Agreement and to its proposed penalty, terms and conditions.

DATE: July 4, 2016

TOM SLUTES, ESQ.
Attorney for Respondent

DATE: July 5, 2016

MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 7/5/16

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

ATTACHMENT I



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Michael A. Gonzalez, R.P.A.
Vice Chair

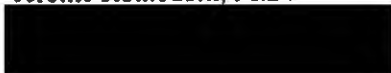
Ansel R. Marks, M.D., J.D.
Executive Secretary

PUBLIC

November 27, 2002

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jerome Rothbaum, M.D.



RE: License No. 083225

Dear Dr. Rothbaum:

Enclosed please find Order #BPMC 02-358 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect November 27, 2002.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,



Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure
cc:

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
JEROME ROTHBAUM, M.D.
[REDACTED]

SURRENDER
ORDER

02-358

JEROME ROTHBAUM, M.D., says:

On or about September 21, 1959, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 083225 by the New York State Education Department. I currently reside at [REDACTED].

I am not currently registered with the New York State Education Department to practice as a physician assistant in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I have not practiced medicine in New York state for many years and do not intend to return to the practice of medicine in New York state. I am, therefore, applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license to practice medicine in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the two (2) specifications set forth in the Statement of Charges (Exhibit A).

I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or

construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Date: Nov-20, 2002


JEROME ROTHBAUM, M.D.
Respondent

AGREED TO:

Date: 21 November, 2002


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 21 November, 2002


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

JEROME ROTHBAUM, M.D.
[REDACTED]

STATEMENT

OF

CHARGES

JEROME ROTHBAUM, M.D., the Respondent, was authorized to practice medicine in New York state on September 21, 1959, by the issuance of license number 083225 by the New York State Education Department.

FACTUAL ALLEGATIONS

A On or about June 5, 2002, the Arizona Board of Medical Examiners (hereinafter "Arizona Board"), by a Findings of Fact, Conclusions of Law and Order (hereinafter "Arizona Order"), issued Respondent a Letter of Reprimand and placed him on probation for one (1) year with terms and conditions, based on failing or refusing to maintain adequate records on a patient; conduct or practice that is or might be harmful or dangerous to the health of the patient or the public; and/or gross negligence, repeated negligence or negligence resulting in harm to or the death of a patient.

B. The conduct resulting in the Arizona Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence);
3. New York Education Law §6530(5) (incompetence on more than one occasion);
4. New York Education Law §6530(6) (gross incompetence); and/or
5. New York Education Law §6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *Oct. 11*, 2002
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct

ORDER


Upon the proposed agreement of **JEROME ROTHBAUM, M.D.**, to Surrender his license to practice medicine as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 11/26, 2002



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct